

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA

3 UNITED STATES OF AMERICA,

4 vs.

Criminal No. 20-168

5 GEORGE ALLEN,

6 Defendant.

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9 Transcript of proceedings on December 1, 2021 United States
10 District Court, Pittsburgh, Pennsylvania, before Judge
11 Arthur J. Schwab.

12 APPEARANCES:

13 For the Government: Jonathan Lusty, Esq.

14 For the Defendant: Patrick K. Nightingale, Esq.
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16 Court Reporter: Marsia L. Balobeck
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25 Proceedings recorded by mechanical stenography;
transcript produced by computer-aided transcription.

P R O C E E D I N G S

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THE COURT: Good morning. I apologize for keeping you waiting.

MR. NIGHTINGALE: Good morning, Your Honor.

MR. LUSTY: Good morning, Your Honor.

THE COURT: This is the time and place set for sentencing in criminal number 20-00168. I'd ask counsel for the government to enter your appearance, please.

MR. LUSTY: May it please the court, Jonathan Lusty on behalf of the government.

THE COURT: And for the defendant, please?

MR. NIGHTINGALE: Patrick Nightingale on behalf of Mr. Allen. And this is Mr. Allen seated with me at counsel table.

THE COURT: Welcome to both of you.

Mr. Allen, would you kindly stand to be sworn, please.

(GEORGE ALLEN was duly sworn)

THE COURT: Since we're spaced apart, if you wish, you can take your mask down. That's your own personal decision.

Sir, do you understand that having been sworn, your answers to my questions are subject to the penalties of perjury if you do not answer truthfully?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Do you want to pull the microphone a
3 little closer, please?

4 Court notes on July 22, 2021, pursuant to a plea
5 agreement, defendant entered a plea of guilty to count one of
6 a one-count indictment charging the defendant with obstruction
7 of law enforcement during a civil disorder in violation of
8 Title 18 United States Code Section 231(a)(3) and Section 2.

9 Following the guilty plea, the court directed the
10 probation office to prepare a pre-sentence investigation
11 report and set a sentencing hearing for November 10, 2021.

12 At that sentencing hearing the court was made aware
13 the defendant had filed a sentencing memorandum with exhibits
14 under seal which had not yet been filed on the court docket.
15 The court then rescheduled this sentencing hearing for today
16 in order to review defendant's sentencing memorandum and
17 exhibits thereto.

18 The court has received and reviewed the pre-sentence
19 investigation report, addendum thereto, prepared by the United
20 States probation office. The Court has also reviewed the
21 defendant's position, indicating he has no objections to the
22 pre-sentence investigation report. The government did not
23 file a position with respect to the pre-sentence investigation
24 report.

25 The court has also reviewed the sentencing memorandum

1 submitted by the government, and the sentencing memoranda
2 filed by the defendant under seal, including said exhibits.
3 Notably, the defendant's sentencing memorandum requested a
4 downward variance from the advisory guideline sentence of 8 to
5 14 months to a sentence of non-confinement so the defendant
6 could continue his mental health treatment for his mental
7 health disorders, pursue employment as a commercial truck
8 driver, and continue to care for his three children. I will
9 address defendant's request for a variance in a few moments.
10 The court has also reviewed letters from defendant's family
11 and friends. Finally, the court has also reviewed the
12 sentencing recommendation prepared by the probation office.

13 Sir, you entered a plea of guilty in this courtroom
14 to count one of a one-count indictment at criminal number
15 20-00168, charging you with obstruction of law enforcement
16 during a civil disorder in violation of Title 18 United States
17 Code Section 231(a) (3) and Section 2. Correct, sir?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Following your guilty plea, I directed
20 the probation office to prepare a pre-sentence investigation
21 report. I've reviewed the pre-sentence investigation report
22 and addendum thereto and the sentencing recommendation of the
23 probation office. Pursuant to the standing order of the Board
24 of Judges of this district, the court finds it's not
25 appropriate to disclose the recommendation of the probation

1 office to parties nor to counsel; however, sir, in determining
2 your sentence the court will not consider any matter that's
3 not previously been disclosed to you or your counsel.

4 Counsel, have you reviewed the pre-sentence
5 investigation report, addendum thereto and discussed them with
6 your client?

7 MR. NIGHTINGALE: Yes, I have, Your Honor.

8 THE COURT: Are there any errors in the pre-sentence
9 investigation report or addendum that you not previously
10 called to the court's attention?

11 MR. NIGHTINGALE: There are not, Your Honor.

12 THE COURT: Sir, have you reviewed the pre-sentence
13 investigation report, addendum thereto and other matters and
14 discussed them with your attorney?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Counsel, is there any legal cause why
17 sentence should not be pronounced?

18 MR. NIGHTINGALE: No, Your Honor.

19 THE COURT: Anything else you would like to say or
20 the defendant would like to say, now would be the appropriate
21 time, please.

22 MR. NIGHTINGALE: Thank you, Your Honor. Obviously
23 the arguments that we're making on behalf of Mr. Allen were
24 set forth in the sentencing memorandum that the court has
25 reviewed.

1 At the outset, I would say that my client comes
2 before the court humbled by his conduct. As I've indicated in
3 my sentencing memorandum, not only is he facing conviction and
4 sentencing in federal court, but he also has a state court
5 aggravated assault charge involving the same incident with the
6 police officer who was injured. In that case, there's an
7 agreement to a period of probation for his felony aggravated
8 assault plea. And that sentence would only have been agreed
9 upon with the consent of the officer. Fortunately, that
10 officer was not seriously injured. It was a very minor
11 injury. And it's something for which my client has great
12 regret, having been acted out in that fashion.

13 As we argue in our sentencing memorandum, his
14 criminal conduct that day was something that was triggered or
15 a reaction to the passion of the moment.

16 That day, the march had been almost a two and a half
17 hour march through Downtown Pittsburgh that ended up close to
18 Mellon Arena, the Veterans Square area, at which time people
19 seemed unsure of what to do.

20 My wife and my stepdaughter and I participated in the
21 peaceful march. And once it seemed to stall at that
22 intersection, we departed. And quite frankly, were parked
23 outside of the Gulf Tower, where my office is, and by the time
24 we had made it down to our vehicle at the Gulf Tower,
25 unfortunately, things had gone awry, for lack of a better

1 term.

2 The incident when a young man was jumping up and down
3 on top of a police car, and then the vehicle was set afire and
4 incidents of throwing bottles of water at mounted police. And
5 as this was all taking place, additional tactical units
6 arrive. And my client reacted by throwing a piece of cinder
7 block at one of those units.

8 Fortunately, like I said, the officer was not injured
9 and that was the extent of my client's criminal conduct that
10 day.

11 We have the benefit of extensive amounts of video
12 footage from that afternoon all through the evening, depicting
13 looting and rioting in Downtown Pittsburgh. My client was
14 distinctively dressed, and that was what led to his
15 identification. And he was not identified or did not
16 participate in any of that continuing criminality. Unlike
17 other defendants who have come before this court, his act did
18 not serve to trigger others, it would seem. It was a very
19 brief act of responding to a highly stressful situation.

20 For the reasons set forth in our sentencing
21 memorandum, my client's role as a father, the fact that he is
22 employed full-time right now and will be seeking work as a
23 commercial truck driver in the spring, his family obligations,
24 his lack of any serious criminal history other than a DUI and
25 a theft charge, for which he was on ARD, and the fact that now

1 he will be a federal felon and a state felon for the rest of
2 his life, barring any type of a pardon, considering his mental
3 health history, his mental health treatment and the role that
4 his anxiety and depression diagnosis and undiagnosed
5 post-traumatic stress disorder, which was very likely in play
6 at the time of this incident, for all of those reasons, Your
7 Honor, we are requesting that this court impose a sentence of
8 non-confinement, either a probationary sentence or house
9 arrest, followed by supervised release.

10 But I would submit that when considering my client's
11 history, his lack of criminal history, and the nature of this
12 incident that that would be an appropriate sentence in this
13 matter. Thank you.

14 THE COURT: Thank you for your excellent memorandum
15 of law. Sir, anything you wish to say?

16 THE DEFENDANT: Yes. First and foremost, just wanted
17 to say that I am sorry and I apologize to the officer -- the
18 officers involved. I understand how reckless and dangerous my
19 behavior was that day. That wasn't my intention, but that
20 doesn't excuse the fact. I'm looking -- I want to spend time
21 with my kids, I don't want to miss out on their lives. So I
22 definitely understand the severity of my actions. And I just
23 wanted to go on record by apologizing.

24 THE COURT: Are you satisfied with the service and
25 representation provided by your attorney?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Has he done everything you've asked him
3 to do?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Is there anything you believe he should
6 not have done?

7 THE DEFENDANT: No, Your Honor.

8 THE COURT: On behalf of the government, please?

9 MR. LUSTY: Yes. Just briefly, Your Honor. You have
10 had the benefit of sitting in many of these pleas and
11 sentencings, so you're fully aware of what happened on this
12 day.

13 At the time of the incident, the police were
14 attempting to get out of the area. The area had escalated to
15 violence, people were coming down from the arena towards where
16 the police were. And this vehicle was actually trying to make
17 a U-turn to get out, to get to safety, instead of escalating
18 the situation. And at that point, the defendant, as
19 previously discussed, took a piece of concrete and threw it
20 through the window. This was a situation where tensions were
21 rising and the defendant chose to take a piece of concrete and
22 throw it in the direction of the officers. Based on the
23 sentences other individuals have received, the government is
24 recommending a guidelines sentence as well in this case.

25 THE COURT: Which is --

1 MR. LUSTY: 8 to 14 months.

2 THE COURT: Imprisonment?

3 MR. LUSTY: Yes.

4 THE COURT: The United States sentencing guidelines
5 are advisory only. The court has discretion to vary or
6 deviate from guidelines after considering the relevant conduct
7 and factors set forth in Title 18 United States Code Section
8 3553(a). The court must rule on any motions for departure,
9 requests for variance.

10 Defendant's offense level is 11 and his criminal
11 history category is I. The applicable advisory guideline
12 range is 8 to 14 months imprisonment, probation of one to five
13 years, supervised release of one to three years, a fine of
14 \$4,000 to \$40,000, restitution of \$599.21, and a special
15 assessment of \$100.

16 On behalf of the government, did I accurately state
17 defendant's offense level, criminal history category and
18 advisory guideline range?

19 MR. LUSTY: Yes, Your Honor.

20 THE COURT: Do you agree?

21 MR. NIGHTINGALE: I do, Your Honor.

22 THE COURT: As stated a few minutes ago, defendant
23 has requested a downward variance from the advisory guidelines
24 sentence to a sentence of non-confinement. As I will explain
25 in greater detail in a few moments, taking into consideration

1 the factors set forth in Title 18 United States Code Section
2 3553(a), as applied to the facts of this case. Defendant's
3 request for downward variance is denied because the court
4 finds a sentence within the advisory guidelines is sufficient,
5 but no greater than necessary to satisfy the purposes of
6 sentencing, including just punishment, deterrence, protection
7 of the public and rehabilitation of the defendant.

8 Sir, your sentence is as follows: Pursuant to the
9 Sentencing Reform Act of 1984, it is the judgment of the court
10 that the defendant be sentenced to a term of imprisonment of
11 12 months and one day. Defendant's term of imprisonment is to
12 be followed by three years of supervised release.

13 In addition, it is further ordered that the defendant
14 shall pay restitution to the Pittsburgh Bureau of Police in
15 the amount of \$599.21. Payments to be sent to the Clerk of
16 Court, Joseph F. Weis, Jr. United States Courthouse, 700 Grant
17 Street, Pittsburgh, Pennsylvania, 15219, to be forwarded then
18 to the victim.

19 Defendant shall make restitution payments from any
20 wages he may earn in prison in accordance with the
21 Bureau of Prisons Inmate Financial Responsibility Program.
22 Any portion not paid in full at the time of defendant's
23 release from prison shall be paid as a condition of supervised
24 release. Victim's recovery is limited to the amount of its
25 loss and defendant's liability for restitution ceases if and

1 when victim receives full restitution. Court finds the
2 defendant does not have the ability to pay interest and
3 therefore interest is waived.

4 Within 72 hours of release from the Bureau of
5 Prisons, defendant shall report in person to the probation
6 office in the district to which he is released to be placed on
7 supervised release.

8 While on supervised release, defendant shall not
9 commit another federal, state or local crime, shall comply
10 with standard conditions that have been adopted by this court
11 and shall comply with the following additional conditions:

12 One, defendant shall not illegally possess a
13 controlled substance. Supervised release must be revoked for
14 possession of a controlled substance.

15 Two, defendant shall not possess a firearm,
16 ammunition, destructive device or other dangerous weapon.
17 Supervised release must be revoked for possession of a
18 firearm, ammunition, destructive device or other dangerous
19 weapon.

20 Three, defendant shall participate in a program of
21 testing and, if necessary, treatment for substance abuse, said
22 program approved by the probation officer until such time
23 defendant is released from the program by the probation
24 officer and/or the court. Further, the defendant shall be
25 required to contribute to the cost of services for any such

1 treatment in an amount to be determined by the probation
2 officer, but not to exceed actual costs. Defendant shall
3 submit to one drug urinalysis within 15 days of being placed
4 on supervision, and at least two periodic tests thereafter.

5 Four, defendant shall not purchase, possess and/or
6 use a substance or device designed to alter in way or
7 substitute defendant's urine specimen for drug testing. In
8 addition, defendant shall not purchase, possess and/or use any
9 device designed to be used for the submission of a third party
10 urine specimen.

11 Five, defendant shall not use or possess alcohol.

12 Six, defendant shall pay restitution balance at a
13 rate of not less than 10% of his gross monthly earnings, but
14 in no event less than \$100 per month. First payment shall be
15 made within 30 days of his release from the custody of the
16 Bureau of Prisons.

17 Seven, defendant shall provide probation officer with
18 access to any requested financial information.

19 Eight, defendant shall not incur any new credit card
20 charges or open additional lines of credit without approval of
21 the probation officer.

22 Nine, while any portion of the restitution remains
23 outstanding, defendant shall provide the United States
24 probation office with any change of address within 30 days.

25 Ten, defendant shall participate in a mental health

1 assessment and/or treatment program approved by the probation
2 officer until such time as the defendant is released from the
3 program by the court and/or the probation officer. Defendant
4 shall be required to contribute to the cost of services for
5 any such treatment in an amount to be determined by the
6 probation officer. These costs shall not exceed the actual
7 costs of the service. The probation officer is authorized to
8 release defendant's pre-sentence investigation report to the
9 treatment provider, if so requested.

10 11, defendant shall cooperate with the collection of
11 DNA as directed by the probation officer.

12 Court also imposes a mandatory \$100 special
13 assessment constituting a \$100 special assessment towards each
14 count that the defendant has pled guilty, which shall be paid
15 to the Clerk of Court forthwith.

16 Based on the information contained in the
17 pre-sentence investigation report, the court finds the
18 defendant does not have the ability to pay a fine and
19 therefore waives imposition of any fine.

20 Sir, the reason for your sentence is as follows:
21 Court considers a sentence of 12 months and one day
22 imprisonment, two years supervised release and a stated
23 restitution to be sufficient, but no greater than necessary to
24 comply with the goals of sentencing, as set forth in Title 18
25 United States Code Section 3553(a)(2), which are to reflect

1 the seriousness of the offense, promote respect for the law
2 and provide for just punishment for the offense, afford
3 adequate deterrence to criminal conduct, to protect the public
4 from further crimes by this defendant and to provide the
5 defendant with need educational, vocational training, medical
6 care and other correctional treatment in the most effective
7 manner. The court has considered all the sentencing factors
8 set forth in Title 18 United States Code Section 3553(a),
9 including those presented by the government and defense and as
10 set forth in the pre-sentence investigation report and
11 addendum thereto.

12 Further, the court has considered the following:
13 First, the court has considered the nature and circumstances
14 of the offense. Defendant pled guilty to obstruction of law
15 enforcement during a civil disorder in violation of Title 18
16 United States Code Section 231(a)(3) and Section 2. Defendant
17 engaged in serious criminal conduct that's further addressed
18 in the pre-sentence investigation report and the court
19 incorporates by reference Paragraphs 12 through 17 of the
20 pre-sentence investigation report as part of the basis upon
21 which this court bases its sentence.

22 By way of summary only: On May 30, 2020, during a
23 civil disorder in Pittsburgh, Pennsylvania, police officers
24 entered a police vehicle and attempted to drive it away from
25 the area of unrest. While multiple officers were in the

1 vehicle driving away from the area, defendant picked up a
2 piece of concrete and threw it through the front passenger
3 window. The object struck the officer that was seated in the
4 front passenger's seat in the arm, causing a bruise that did
5 not require medical treatment. Defendant also threw another
6 projectile at a vehicle, a piece of concrete -- and a piece of
7 concrete at a second unoccupied vehicle. In light of this
8 conduct, an officer was hurt, fortunately suffered only a
9 minor injury. Court finds a sentence of non-incarceration not
10 to be appropriate.

11 I distinguish this case factually from those that
12 damaged property, in particular a police car, but did not
13 attempt to cause physical injury to anyone. In those other
14 cases which I've had sentencings, the car was empty.

15 This car was actually trying to remove itself from
16 the area and it was not -- the defendant didn't throw one
17 projectile, he through multiple projectiles, risking serious
18 harm to police officers, who were simply trying to do their
19 job and trying to actually leave the scene.

20 Second, the court also finds defendant -- considered
21 defendant's criminal, family, social history and personal
22 characteristics as outlined in the pre-sentence investigation
23 report at Paragraphs 31 through 57, which the court
24 incorporates by reference as part of the basis of the court's
25 sentence.

1 Defendant is approximately 33 years old, he's single,
2 has custody of three young children -- and has three young
3 children. And he has primary custody of his oldest son.
4 Defendant has a commercial driver's license. He's been
5 working at a restaurant since July 2021.

6 This is not defendant's first criminal offense.
7 Defendant has one prior conviction for DUI, for which he was
8 sentenced to three to six day imprisonment and six months
9 probation. Defendant also has a case pending for his conduct
10 on that same date in state court, which he has or will receive
11 a sentence of probation as mentioned by counsel today, and is
12 also mentioned by counsel in its sentencing memorandum on
13 behalf of the defendant.

14 Defendant has a history of alcohol abuse and mental
15 health history, which is why the court has ordered conditions
16 relating to mental health assessment and treatment, if
17 necessary, and substance abuse testing, if necessary.

18 Third, the court has considered the kinds of
19 sentences available for this offense and the sentencing
20 guidelines sentence under the advisory guidelines and
21 applicable policy statements adopted by the sentencing
22 commission.

23 Fourth, the court considered the need to avoid
24 unwarranted sentencing disparities among defendants with
25 similar records that were found guilty of similar conduct,

1 including other defendants that have already been sentenced in
2 this case.

3 As I said, I've made a distinction between those who
4 caused property damage and those that -- to an unoccupied
5 vehicle, and this defendant who threw projectiles at an
6 occupied police vehicle. Fortunately, only injuring one
7 officer in a minor way, but the serious harm could have been
8 caused.

9 Fifth, the court has considered the need to provide
10 restitution to any of the victims of this offense.

11 On behalf of the government, does my statement of
12 reasons adequately address all objections, concerns and issues
13 raised?

14 MR. LUSTY: Yes, Your Honor.

15 THE COURT: Are there any sentencing factors under
16 3553(a) that the court has failed to address?

17 MR. LUSTY: No, Your Honor.

18 THE COURT: On behalf of the defendant, does my
19 statement of reasons adequately address all objections,
20 concerns and issues raised?

21 MR. NIGHTINGALE: It does.

22 THE COURT: Are there any other sentencing factors
23 under Section 3553(a) that the court has failed to address?

24 MR. NIGHTINGALE: No, Your Honor.

25 THE COURT: Have you had time to talk to your client

1 about his right to appeal?

2 MR. NIGHTINGALE: I'm sorry?

3 THE COURT: Have you had an opportunity to talk to
4 your client about his right to appeal?

5 MR. NIGHTINGALE: Yes, Your Honor. We've discussed
6 that. And we understand that we did waive the majority of our
7 appellate rights.

8 THE COURT: Sir, except as otherwise waived in the
9 plea agreement, you have the right to appeal from the orders
10 of this court, judgment of guilty and/or the sentence imposed.
11 You have a right to be represented by an attorney at no cost
12 to you. If you cannot afford them, certified copies of
13 necessary records and transcripts will be furnished at the
14 expense of the United States government. If you appeal, the
15 notice of appeal must be filed within 14 days of today,
16 otherwise you will lose your right to appeal. If you request,
17 the Clerk of Court will immediately prepare and file of notice
18 of appeal on your behalf.

19 Do you wish to appeal, sir?

20 THE DEFENDANT: I do not, Your Honor.

21 THE COURT: Do you understand if you change your mind
22 and decide to appeal, any notice of appeal must be filed
23 within 14 days of today, otherwise you will lose your right to
24 appeal?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: And if you change your mind, decide to
2 appeal, you'll use your current counsel to file any notice of
3 appeal. Correct?

4 THE DEFENDANT: Correct, Your Honor.

5 THE COURT: All right. Defendant is not in custody.
6 He was on bond. So we need to talk about whether or not the
7 defendant may voluntarily surrender or whether he needs to be
8 taken into custody today. What's the government's position?

9 MR. LUSTY: We defer to the court, Your Honor.

10 MR. NIGHTINGALE: Your Honor, obviously I would ask
11 that my client would be allowed to self-report. That would
12 help with his designation in the Bureau of Prisons. That will
13 also allow him to spend the Christmas holiday with his
14 children and to prepare for reporting for a sentence of
15 incarceration. Other than my client's DUI sentence, he has
16 not experienced a period of incarceration. I would ask that
17 he be allowed to self-report for designation purposes. And I
18 would ask the court recommend that he be -- that the Bureau of
19 Prisons place him at FCI Morgantown where there's a camp,
20 which would be more appropriate given my client's lack of
21 criminal history.

22 THE COURT: Any objection to that request?

23 MR. LUSTY: No, Your Honor.

24 THE COURT: So we'll request he be incarcerated as
25 close to the Western District of Pennsylvania, in particular

1 to the federal correctional institution in Morgantown. I
2 don't think this period of time is probably long enough FOR
3 him to participate in the 500-hour drug treatment program, but
4 do you want a recommendation that he participate in drug or
5 alcohol treatment program, as available?

6 MR. NIGHTINGALE: Yes, Your Honor.

7 THE COURT: And I realize he's had some training. Is
8 there any particular training he might like to receive while
9 he's incarcerated?

10 MR. NIGHTINGALE: Well, he does have his CDL. Is
11 there any particular vocational training you would be
12 interested in while incarcerated?

13 THE DEFENDANT: I don't have anything off the top of
14 my head right now.

15 MR. NIGHTINGALE: No, Your Honor.

16 THE COURT: On behalf of the probation office, is
17 there any reason to take the defendant into custody today or
18 are you willing to continue his supervision and have him
19 voluntarily surrender?

20 PROBATION OFFICER: There are no issues that we're
21 aware of, Your Honor, that would not allow him to remain on
22 bond pending voluntary surrender.

23 THE COURT: Pursuant to Title 18 United States Code
24 Sections 3143(a) and 3145(c), the court finds by clear and
25 convincing evidence the defendant is not a flight risk based

1 upon his ties to the community. Because of his lack of
2 criminal history, he's not a danger to anyone or to the
3 community. And that there's exceptional circumstances in this
4 case, including his need to provide for one or more of his
5 children. Therefore, the court orders that the defendant
6 shall voluntarily surrender to the institution designated by
7 the Bureau of Prisons as notified by the United States
8 Marshals Service, but not later than the 1st day of February
9 2022, which would permit the defendant to spend time with his
10 family over the holidays and provide for his children.

11 Up until and including that time, defendant shall
12 remain subject to the conditions previously established by the
13 United States Magistrate Judge Dodge as part of his pretrial
14 release. It is therefore ordered that the existing order for
15 release remain in effect subject to the standard conditions of
16 pretrial release as set forth in the order setting conditions
17 of release plus the following additional conditions:

18 If defendant has a passport, then within ten days
19 defendant shall surrender the passport as directed by the
20 probation office, which shall hold said passport until such
21 term of supervised release complete.

22 Defendant shall not depart from the Western District
23 of Pennsylvania.

24 Defendant shall refrain from possession of a firearm,
25 ammunition, destructive device or other dangerous weapon.

1 Defendant shall refrain the use of alcohol.

2 Defendant shall refrain from the use of or unlawful
3 possession of a narcotic drug unless prescribed by a licensed
4 medical practitioner.

5 Defendant shall submit to any method of testing
6 required by pretrial services to determine if the defendant is
7 using a prohibited substance.

8 Defendant shall participate in a program of inpatient
9 or outpatient substance abuse therapy and counseling, if
10 deemed advisable by the pretrial service office.

11 Defendant shall refrain from obstruction in any
12 fashion of the efficiency and accuracy of prohibited substance
13 testing.

14 Defendant shall report as soon as possible to
15 pretrial service office any contact with law enforcement
16 personnel, including but not limited to, any arrest,
17 questioning or traffic stop. Understand, sir?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Do you further understand you must report
20 as notified by the United States Marshal Service, but no later
21 than the 1st day of January -- excuse me, 1st day of February,
22 2022, or you'll be guilty of violating The Bail Reform Act,
23 which carries a maximum sentence of ten years imprisonment
24 consecutive to any other sentence I impose, a fine of \$250,000
25 plus interest and could result in forfeiture of any bond

1 posted?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Anything else on behalf of the
4 government?

5 MR. LUSTY: No. Thank you, Your Honor.

6 THE COURT: Anything else on behalf of the defendant?

7 MR. NIGHTINGALE: No, Your Honor.

8 THE COURT: I want to thank both counsel. You did an
9 excellent job for your respective clients. So I wanted to
10 compliment you in that regard.

11 Mr. Allen, I wish you the best. Hopefully, that time
12 in prison will pass quickly for you and you'll be able to
13 return back to society and resume being a productive citizen.

14 THE DEFENDANT: Thank you, Your Honor.

15 THE COURT: Thank you, sir. I adjourn this hearing.

16 C E R T I F I C A T E

17 I, MARSIA L. BALOBECK, certify that the foregoing
18 is a correct transcript from the record of proceedings in the
19 above-entitled case.

20 \s\ Marsia L. Balobeck
21 MARSIA L. BALOBECK
22 Official Court Reporter

10/27/2022
Date of Certification